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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STACY SMITH,

Plaintiff,

v.

JO ANNE B. BARNHART,
Commissioner of
Social Security,

Defendant.

CASE NO. **2:04-CV-01915-KJM**

STIPULATION AND ORDER
SETTLING ATTORNEY'S FEES
PURSUANT TO THE EQUAL
ACCESS TO JUSTICE ACT

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that counsel for Plaintiff be awarded attorney's fees under the Equal Access to Justice Act (EAJA) in the amount of TWO THOUSAND NINE HUNDRED TWENTY FIVE AND 00/100 DOLLARS (\$2,925.00). This amount represents compensation for legal services rendered on behalf of Plaintiff by Plaintiff's attorney in accordance with 28 U.S.C. § 2412(d).

This stipulation constitutes a compromise settlement of Plaintiff's request for all fees and costs under the EAJA, and does not constitute an admission of liability on the part of Defendant under the

EAJA. Payment of the TWO THOUSAND NINE HUNDRED TWENTY FIVE AND 00/100 DOLLARS (\$2,925.00) in fees shall constitute a complete release from and bar to any and all claims Plaintiff may have relating to EAJA fees and costs in connection with this action.

The parties further stipulate that counsel for Plaintiff will provide a facsimile of this stipulation bearing counsel's signature for retention in Defendant's case file, and hereby authorizes counsel for Defendant to file this document in PDF format under the latter's Electronic Case Filing password, pursuant to Local Rule 7-131.

DATED: August 15, 2005

/s/ David G. Lee

DAVID G. LEE

Attorney at Law

Attorney for Plaintiff

DATED: August 16, 2005

McGREGOR W. SCOTT

United States Attorney

By: /s/ Bobbie J. Montoya

BOBBIE J. MONTOYA

Assistant U. S. Attorney

Attorneys for Defendant

OF COUNSEL

LUCILLE GONZALES MEIS

Chief Counsel, Region IX

JOHN CUSKER

Assistant Regional Counsel

U. S. Social Security Administration

Re: STACY SMITH v. JO ANNE B. BARNHART, Case No. 2:04-CV-01915-KJM, Stipulation and Order Settling Attorney's Fees Pursuant to the Equal Access to Justice Act

_____oOo_____

ORDER

Upon stipulation of the parties, plaintiff in CASE NO. 2:04-CV-01915-KJM, STACY SMITH v. Jo Anne B. Barnhart, is hereby awarded attorney fees in the amount of \$2,925.00, pursuant to the Equal Access to Justice Act.

APPROVED AND SO ORDERED.

DATED: August 17, 2005.



UNITED STATES MAGISTRATE JUDGE